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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184741
Party	Defendant E & J Buffalo Brothers, LLC
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Submission	Other Motions/Papers
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Signature	/drc/
Date	03/30/2009
Attachments	AM re Extension of Time.pdf (3 pages)(68972 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application Serial No. 77/379383
for the mark BUFFALO BROS
Published in the Official Gazette on June 10, 2008**

**BUFFALO BROTHERS, INC. d/b/a
BUFFALO BROTHERS PIZZA AND
WINGS CO.,**

Opposer,

v.

E&J BUFFALO BROTHERS, LLC

Applicant.

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Opposition No: 91184741

**APPLICANT'S AGREED MOTION FOR EXTENSION OF TIME TO
REPLY IN CONNECTION WITH ITS SUMMARY JUDGMENT AND
RESPOND TO OPPOSER'S CROSS MOTION FOR SUMMARY JUDGMENT**

E&J Buffalo Brothers, LLC ("Applicant") moves the Board for an extension of time to file a reply in connection with its Motion for Summary Judgment and to establish the response date for the Cross Motion for Summary Judgment filed by Buffalo Brothers, Inc. d/b/a Buffalo Brothers Pizza and Wings Co. ("Opposer"), and in support shows as follows:

1. Applicant filed its Motion for Summary Judgment on January 29, 2009.
2. Opposer's response to that motion was initially due March 5, 2009, but the parties stipulated and agreed to a two week extension for Opposer to respond, which the board approved, requiring response on or before March 19, 2009.
3. Opposer filed its response at that time, and also filed a Cross Motion for Summary Judgment (the "Cross Motion").

4. Applicant's reply in connection with its motion for summary judgment (the "Reply"), and its response to Opposer's Cross Motion (the "Response") would normally be due at different times, but it would be more efficient for the parties and for the board if they were filed at the same time so that the motions could be considered and resolved simultaneously.

5. Opposer agrees to this motion.

6. Applicant has not previously requested an extension of time relating to the Reply or Response.

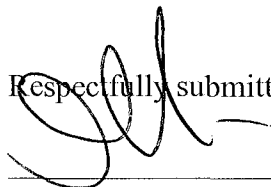
7. Applicant respectfully requests that the board order that the Reply and the Response are due on or before April 20, 2009, which is the first business day following thirty days from the date the Cross Motion was filed.

8. Settlement negotiations between the parties are ongoing.

Wherefore, Applicant requests the Board to grant an extension of time for a Reply, and order that the Reply and Response are both due on or before April 20, 2009.

Respectfully submitted, this the 30th day of March, 2009.

Respectfully submitted,



David R. Childress

Clark R. Cowley

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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March, 2009 a true and correct copy of the foregoing was served upon Opposer through his counsel by depositing a copy of same in the United States mail, postage prepaid, marked certified mail, addressed to:

Edward H. Green
Coats & Bennett, PLLC
1400 Crescent Green, Suite 102
Cary NC 27518

A handwritten signature in black ink, appearing to read 'D. Childress', with a horizontal line extending to the right.

David R. Childress